

## MINUTES

### ALCOHOL AND TOBACCO COMMISSION

MAY 21, 2002

(Approved June 4, 2002)

### CALL TO ORDER/NOTING OF QUORUM

Chairperson DePrez called the meeting to order and noted the quorum and the attendance. Present were Vice Chairperson Glass, Commissioner Davis and Commissioner Marks. Also in attendance were Superintendent Davis, Executive Secretary Steiner and Industry Liaison Okey.

Ronna Chappell of ILBA, Pam Ferguson of WSWI, Jim Calvert of Olinger, Mark Shublak of Ice Miller, Debra Scott of IABR were present as observers.

### COMMUNICATIONS FROM THE FLOOR

There were no Communications From the Floor.

### DISPOSITION OF MINUTES

Commissioner Marks moved to approve the minutes that were submitted for the May 6, 2002 meeting. Motion seconded by Commissioner Davis and it was unanimously approved.

### HEARING JUDGE'S RECOMMENDATIONS

There were no PAD forms to approve for today's meeting.

RR49-04411 T.K. CORPORATION, INC. – Hearing Judge Steiner stated this was a recommended approval by the Marion County Local Board and an upholding of that approval by the Commission for a transfer of ownership. The remonstrators filed a timely notice of appeal and the matter was set for hearing before Hearing Judge JC Buehler. The Hearing Judge now tenders his Proposed Findings of Fact and Conclusions of Law for recommendation to the Commission.

Commissioner Davis moved to uphold the Hearing Judge's recommendation to approve the transfer of this permit. Motion seconded by Commissioner Marks and it was unanimously approved.

### APPEAL OF HEARING JUDGE'S RECOMMENDATIONS

There were no Appeals of Hearing Judge's Recommendations.

## **CONSIDERATION OF APPLICATIONS**

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Davis and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

Three hundred eighty-one (381) renewals approved, fifty-four (54) new and/or transfer permits approved, fourteen (14) permits conditionally approved, two (2) permits approved for first year escrow and three (3) permits approved for second year escrow .

## **RENEWAL LETTERS AND WAIVER OF FEES**

Commissioner Marks moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

## **APPLICATIONS FOR DISCUSSION**

RR49-12296 F.J. HAB, INC. – Vice Chairperson Glass noted this is a type 210 renewal application with the local board voting four (4) to zero (0) to approve.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve the renewal. Motion seconded by Commissioner Davis and it was unanimously approved.

RR49-12296 POWER PROMOTIONS, LLC – Vice Chairperson Glass noted this is a type 210 transfer of ownership application with the local board voting four (4) to zero (0) to approve.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve the transfer. Motion seconded by Commissioner Davis and it was unanimously approved.

RR27-19760 ROBERT B. NUNN – Vice Chairperson Glass noted this is a new type 111 application with the local board voting three (3) to one (1) to disapprove.

Vice Chairperson Glass moved to uphold the local board's recommendation to deny the new permit. Motion seconded by Commissioner Marks and it was unanimously approved.

DL90-19753 HOOK-SUPERX, INC. – Vice Chairperson Glass noted this is a new type 208 application with the local board voting four (4) to zero (0) to approve.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve the new permit. Motion seconded by Commissioner Davis and it was unanimously approved.

RR22-19282 TEDESCO/HILLDEBRAND FOOD SERVICES, LLC – Vice Chairperson Glass noted this is a new type 112 application with the local board voting four (4) to zero (0) to disapprove.

Vice Chairperson Glass moved to uphold the local board's recommendation to deny the new permit. Motion seconded by Commissioner Davis and it was unanimously approved.

### **INACTIVE FILES**

Commissioner Marks moved to make 22 permits inactive. Nineteen (19) permits are not subject to auction and three (3) permits are subject to auction. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

### **APPEALS FROM LOCAL BOARD RECOMMENDATIONS**

RR71-02356 BIG J CORPORATION and RR45-06425 FRANKLIN D. BANKS, JR – Chairperson DePrez stated these appeals will be assigned to a hearing officer.

### **OLD BUSINESS**

There was no Old Business.

### **NEW BUSINESS**

INDIANAPOLIS JAYCEES – Indianapolis Jaycees are requesting permission to hold a charity wine tasting.

WOODRUFF PLACE CIVIC LEAGUE FLEA MARKET AND AUCTION – Woodruff Place Civic League is requesting permission to auction homemade bottles of wine at their Flea Market and Auction.

BIG BROTHERS BIG SISTERS SILENT AUCTION – Big Brothers Big Sisters is requesting permission to auction alcoholic beverages at their Benefit.

INDIANAPOLIS MUSEUM OF ART HORTICULTURAL SOCIETY EVENT – Indianapolis Museum of Art is requesting permission to serve donated alcoholic beverages at their Horticultural Society event.

KAPPA ALPHA PSI FRATERNITY BLACK AND WHITE BALL – Kappa Alpha Psi is requesting permission to serve donated alcoholic beverages at their Black and White Ball.

FAYETTE MEMORIAL HOSPITAL FOUNDATION DENIM N’ DIAMONDS EVENT – Fayette Memorial Hospital Foundation is requesting permission to serve donated alcoholic beverages at their Denim n’ Diamonds event.

HERRON SCHOOL OF ART CAPITAL CAMPAIGN – Herron School of Art is requesting permission to serve donated alcoholic beverages at their Capital Campaign.

SECOND HELPINGS “SUNDAY SUPPER FOR SECOND HELPINGS” – Second Helpings is requesting permission to serve donated alcoholic beverages at their “Sunday Supper for Second Helpings”.

ELKHART COUNTY AMERICAN HEART ASSOCIATION FUNDRAISER – Elkhart County American Heart Association is requesting permission to hold a wine tasting at their charity fundraiser.

WALTHER CANCER INSTITUTE’S LUNCHEON LECTURE – Walther Cancer Institute is requesting permission to serve donated alcoholic beverages at their Luncheon Lecture.

JUNIOR ACHIEVEMENT “A NIGHT FOR THE CITY” - Junior Achievement is requesting permission to serve donated alcoholic beverages at their “A Night for the City” fundraiser.

### **POLICY DETERMINATIONS**

There were no Policy Determinations.

### **UNDER ADVISEMENT**

There were no matters Under AdviseMENT.

### **ANNOUNCEMENTS**

There were no Announcements.

## **ADJOURNMENT**

Vice Chairperson Glass moved to adjourn the meeting. Motion seconded by Commissioner Marks and it was unanimously approved.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

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MARY DEPREZ, CHAIRPERSON

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BARBARA L. GLASS, VICE CHAIRPERSON

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JAMES DAVIS, COMMISSIONER

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GIGI M. MARKS, COMMISSIONER